

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES MICHAEL FECI,
Petitioner,
v.
ROBERT BURTON,
Respondent.

No. 2:20-cv-00878-KJM-CKD P

ORDER

Petitioner is a state prisoner proceeding pro se and in forma pauperis in this habeas corpus proceeding filed pursuant to 28 U.S.C. § 2254. The stay of these proceedings pursuant to Kelly v. Small, 315 F.3d 1063 (9th Cir. 2003), has been lifted following petitioner's exhaustion of his state court remedies. ECF No. 49. Currently pending before the court is petitioner's Request for Authorization to Add Ground 8 and 9 which the court construes as a motion to amend his § 2254 petition. ECF No. 47. In light of petitioner's request to withdraw his recently exhausted claims for relief and to add two entirely new claims into his § 2254 petition, the court will set a briefing schedule on petitioner's motion to amend.

Accordingly, IT IS HEREBY ORDERED that:

1. Respondent shall file a response to petitioner's motion to amend within 21 days from the date of this order.
2. Petitioner may file a reply within 14 days following service of the response.

3. The motion will be deemed submitted on the papers at the expiration of this briefing schedule. See Local Rule 230(1).

Dated: April 18, 2022



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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